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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,247	01/14/2004	Daniel P. Homiller	9314-61	4326
54414 7590 04/01/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
PHILIPPE, GIMS S				
ART UNIT		PAPER NUMBER		
2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,247

Applicant(s)

HOMILLER, DANIEL P.

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date 6/10/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This is a first office action in response to application no. 10/757,247 filed on January 14, 2004 in which claims 1-67 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaddha (US Patent no. 6266817).

Regarding claims 1, 11, 41 and 49, Chaddha discloses a multimedia distributing method (See Abstract). The method comprising transmitting multimedia data having a first resolution (See col. 5, lines 40-41 and lines 62-63); and separately transmitting supplemental data, which, when combined with the multimedia data having a first resolution, provides multimedia content at a second resolution that is higher than the first resolution (See col. 5, lines 57-59 and lines 64-67).

As per claims 19, 24 and 31-34, Chaddha discloses a multimedia playing method (See Abstract). The method comprising receiving multimedia data having a first resolution (See col. 5, lines 40-41 and lines 62-63); separately receiving supplemental data, which, when combined with the multimedia data having a first resolution, provides multimedia content at a second resolution that is higher than the first resolution; combining the multimedia data having a first resolution and the supplemental data to provide the multimedia content at a second resolution that is higher than the first resolution (See col. 5, lines 57-59 and lines 64-67); and playing the multimedia content at a second resolution that is higher than the first resolution (See fig. 1, items 160 and 180 and col. 9, lines 56-61).

As per claims 20-21, 53-54 and 60, Chaddha discloses a multimedia system comprising a receiver that is configured to receive multimedia data having a first resolution and to separately receive supplemental data (See col. 9, lines 62-65), which, when combined with the multimedia data having a first resolution, provides multimedia content at a second resolution that is higher than the first resolution (See col. 10, lines 1-9); a processor that is configured to combine the multimedia data having a first resolution and the supplemental data to provide the multimedia content at a second resolution that is higher than the first resolution (See step 540, items 530 and 510 of fig. 3); and a multimedia transducer that is configured to play the multimedia content at a second resolution that is higher than the first resolution (See col. 10, lines 10-17).

Art Unit: 2621

As per claims 2-3, 12-13, 48, 50, 54-56, 61-63 most of the limitations of these claims have been noted in the above rejection of claims 1 and 11. In addition, Chaddha further discloses streaming the multimedia data having a first resolution, and wherein separately transmitting supplemental data comprises downloading supplemental data, which, when combined with the multimedia data having a first resolution, provides the multimedia content at a second resolution that is higher than the first resolution (See col. 3, lines 49-61).

As per claims 5, 26 and 43, Chaddha further discloses the supplemental data and multimedia content at the second resolution being a second size (See col. 3, lines 49-61 and col. 5, lines 40-44).

As per claims 6, 7, 15, 27-28, 38, 39, 45, 46, 51, 52, 58, 59, 66 and 67, most of the limitations of these claims have been noted in the above rejection of claims 1, 11, 19, 31, 41, 49, 53 and 60. In addition, Chaddha further discloses a method wherein transmitting multimedia data is subject to a first digital rights management scheme (See col. 12, lines 5-18); and wherein separately transmitting supplemental data is subject to a second digital rights management scheme that is different from the first digital rights management scheme; and wherein separately transmitting supplemental data is preceded by receiving payment for the supplemental data that is greater than payment that is received for the multimedia data having a first resolution (See col. 12, lines 59-67 and col. 13, lines 1-4). The applicant should note that the if the user determines that

Art Unit: 2621

he/she want supplemental data, the he/she will be paying first before receiving the requested data (See col. 12, lines 63-65).

As per claims 8-9, 17, 29, and 47, most of the limitations of these claims have been noted in the above rejection of claims 1, 19, 41. In addition, Chaddha further discloses a method wherein transmitting multimedia data is performed in real or near real-time (See col. 13, lines 5-17; and wherein separately transmitting supplemental data is not performed in real or near real-time; and transmitting multimedia data is performed from a first multimedia server; and wherein separately transmitting supplemental data is performed from a second multimedia server that is different from the first multimedia server (See fig. 1, items 20, 55, 90 and 100, col. 12, lines 40-48).

As per claims 10, 18, 30, 40, Chaddha further discloses a method wherein transmitting multimedia data is performed using a wireless network; and wherein separately transmitting supplemental data is performed using a wired network (See Chaddha col. 3, lines 35-48).

As per claims 22-23, 35-36, 42, 64, the steps of receiving, separately receiving, combining and playing by a single user and the steps of receiving multimedia data and separately receiving supplemental data are at least partially separated in receiving time, originating space, receiving channel and/or medium are considered met by Chaddha since a user can determine whether or not he/she needs data (See col. 12, lines 21-23

Art Unit: 2621

and col. 3, lines 46-48). The applicant should note that since Chaddha includes a market-based mechanism, the steps of partially receiving data in separated time is an inherent feature.

As per claims 4, 14, 25, 37, 44, 57 and 65, since Chaddha clearly states that at the receiving end, the invention comprises decoders of varying characteristics that extract different streams at different spatial and temporal resolutions (See col. 3, lines 48-62), Chaddha enhances several perceptual distortions (Chaddha col. 4, lines 1), and decoding permits codewords to include preprocessed color conversion, dithering, edge enhancement to name a few. It is rather considered inherent that steps of providing first and second sampling frequencies, wider frequency ranges, greater frame rate are included in the method of Chaddha (See col. 10, lines 1-52).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ohwa (US Patent no. 7031016) teaches system for controlling images according to applications.

McIntyre et al. (US Patent no. 7243153) teaches system and method for managing images over a communication network.

Chen et al. (US Patent no. 6057884) teaches temporal and spatial scaleable coding for video object planes.

Carruba et al. (US Patent no. 5629866) teaches audio-visual presentation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

/G. S. P./

/Gims S Philippe/

Primary Examiner, Art Unit 2621